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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,425	03/23/2004	Harumi Aoishi	Q80079	2260

23373 7590 06/08/2006

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EXAMINER

KAYRISH, MATTHEW

ART UNIT PAPER NUMBER

2627

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/806,425	AOISHI, HARUMI	
	Examiner	Art Unit	
	Matthew G. Kayrish	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Schick (US Patent Number 6172849).

Regarding claim 1, Schick discloses:

A magnetic disk cartridge comprising:

A flexible disk (figure 4, item 14), which has a center core (figure 4, item 12) fixedly attached thereto;

A housing (figure 1, item 10) which has an opening and accommodates therein the magnetic disk (column 3, lines 44-47), the housing further incorporating therein a shutter (figure 2, item 16) which rotates around the substantially same point as that of the center of the magnetic disk (column 3, lines 44-50), thereby opening and closing the opening; and

One surface of the shutter on the side facing a data area of the magnetic disk being constituted by:

A surface region located closer to the housing (figure 4, item 16, horizontal portion of shutter [16] at a larger radius than the angled portion near 20b);

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A surface region located closer to the magnetic disk (figure 4, item 16, horizontal portion of shutter [16] at a smaller radius than the angled portion near 20b); and

A transition region extending therebetween (figure 4, angled portion of shutter [16] near 20b),

Wherein the juncture between the surface region located closer to the magnetic disk and the transition region is disposed at a radial position corresponding to an area other than the data area of the magnetic disk (figure 4, the angled portion of the top of the shutter corresponds to the support hub of the disc which is inevitably a portion of the disc other than the data area).

Regarding claims 2 thru 4, Schick discloses:

A magnetic disk cartridge according to claim 1, wherein an area within a 9 mm radius of the center of the magnetic disk is the area other than the data area (the magnetic disc contains a hub region which is within a 9mm radius from the center of the disc).

A magnetic disk cartridge according to claim 1, wherein the juncture between the surface region located closer to the magnetic disk and the transition region is positioned within an area of 8.5 mm radius of the rotational center of the magnetic disk (the angled transition region on the upper shell half is at the smaller radius than the edge of the hub. This transition region is at a radius less than 8.5 mm).

A magnetic disk cartridge according to claim 2, wherein the juncture between the surface region located closer to the magnetic disk and the transition

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region is provided within an area of 8.5 mm radius of the rotational center of the magnetic disk (the angled transition region on the upper shell half is at the smaller radius than the edge of the hub. This transition region is at a radius less than 8.5 mm).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew Greco Kayrish

5/30/2006

MK



5/30/2006

ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER